

DECLARATION of SEAN CUMMINGS

I, Sean Cummings, do hereby declare:

BACKGROUND/EXPERIENCE

1. I am a Special Agent (SA) with the Drug Enforcement Administration (DEA) and have been since 1999. Prior to this, I was a Police Officer and Detective at the Eureka Police Department in Eureka, California. My current assignment is at the Eugene Resident Office in Oregon. My training and experience includes completion of the DEA basic training academy. This training included the investigation, detection, and identification of controlled substances. I have consulted and conversed with several other agents and officers from various local, state, and federal agencies on various drug cases, including the distribution of heroin, cocaine, methamphetamine, marijuana, and other controlled substances. As a result of this and my own experience and training, I am familiar with heroin, cocaine, methamphetamine, marijuana, other controlled substances, and the methods employed by traffickers of these narcotics.

PURPOSE OF THIS DECLARATION

2. This declaration is submitted in support of a complaint *in rem* for forfeiture of the **Subject Property** located at 36360, 36351, 36352, and 36354 Shoreview Drive, Dorena, Lane County, Oregon.¹ All addresses are within the boundaries of Lane County Map and Tax Lot 21-02-10-00-00700 and list different house numbers for the several residences on the **Subject Property**.

¹ Although the residences contain different house numbers, this declaration will refer to all through the shorthand of the primary address listed on records—36360 Shoreview Drive.

3. A description of the **Subject Property** is as follows: A tract of land situated at 36360 Shoreview Drive, Dorena, Lane County, Oregon more fully described as approximately 14.80-acre parcel that contains approximately four residential living structures as well as several outbuildings. The entrance to the property is not marked with an address marker. The property is located on the South side of Shoreview Drive between Row River and Garoutte Road. According to the Lane County real property tax statement the property is at Map and Tax Lot: 21-02-10-00-00700, under account number 4136386 and is listed as owned by Thongkhahn Phandanouvong.

The legal description is:

ALL THAT PORTION of the following described tract of land lying Westerly of the West line of relocated Market Road in Section 10, Township 21 South, Range 2 West of the Willamette Meridian, in Lane County, Oregon:

The East one-half of the Northeast one-quarter of the Southeast one-quarter; the Northeast one-quarter of the Southeast one-quarter of the Southeast one-quarter; and the East one-half of the Northwest one-quarter of the Southeast one quarter of the Southeast one-quarter, all in Section 10, Township 21 South, Range 2 West of the Willamette Meridian, in Lane County, Oregon.

4. In this declaration I will demonstrate, based on the evidence I have reviewed, that there is probable cause to believe, and I do believe that the **Subject Property** was used or intended to be used to facilitate the illegal production, conversion, and distribution of marijuana, and in violation of 21 U.S.C. §§ 841, 846, and 856, and is therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(7).

5. The facts in this declaration come from my personal observations, my training and experience, and information obtained from other agents, deputies, and officers. This declaration is for the limited purpose of establishing probable cause. Therefore, I have not set forth each fact

learned during the investigation, but only those facts and circumstances necessary to establish probable cause.

REAL PROPERTY ASSESSMENT REPORT

6. The Lane County Assessor's Summary Report for 2023 shows that Thongkhahn Phandanouvong is the owner for the **Subject Property** at 36360 Shoreview Drive, Dorena, Oregon. The mailing address listed in the Regional Land Information Database (RLID) for Thongkhahn Phandanouvong is 1445 Deal Street, Junction City, Oregon.

7. In the Spring 2022, Lane County Sheriff (LCSO) Sergeant Marvin Combs observed a Google Earth image of the **Subject Property**. The image seen below, depicted what appeared to be a massive marijuana growing operation with approximately thirty-five large greenhouse type structures that appeared to be full of marijuana plants. It appeared that several thousand marijuana plants were being grown on the **Subject Property**.



Google Earth Photograph of Subject Property

8. Sergeant Combs began researching and learned that Khambang Air Chanthabandith, who is believed to be the wife of Thongkhahn Phandanouvong, purchased the **Subject Property** for \$200,000 in 2015. In 2017, Khambang Air Chanthabandith transferred the **Subject Property** into the name of Thongkhahn Phandanouvong and indicated it was a zero-dollar transaction. There does not appear to be a mortgage on the property. Based on the Google Earth images, the construction of the greenhouse structures began in 2016 and additional structures were added each year since.

9. Using Regional Land Information Database (RLID), the Lane County Tax Database Sergeant Combs learned that Thongkhahn Phandanouvong also owned another property located at 73990 Blok Lane, Cottage Grove, Oregon. Phandanouvong purchased this property in November 2019 for \$299,000. A Google Earth image showed this property which also appeared to have a large illegal marijuana grow operation.



Google Earth Image of 73990 Blok Lane Cottage Grove, Oregon

10. Investigators checked the Blok Lane address through Oregon Liquor and Cannabis Commission (OLCC) and Oregon Medical Marijuana Program (OMMP) and it was not a legally licensed marijuana grow site.

11. In May 2022, members of Douglas Interagency Narcotics Team (DINT) contacted Sergeant Combs. DINT Detectives told Sergeant Combs they intended to conduct a search warrant at an address on Cox Creek Road in Douglas County that was in the name of Phandanouvong's son. The warrant was executed, and DINT located several thousand illegally grown marijuana plants. During the execution of the warrant, vehicles registered to Thongkhahn Phandanouvong were at the location and arrived at the location during the warrant including one that was transporting marijuana plants onto the Cox Creek Road property. DINT arrested several subjects and during suspect interviews DINT learned that Thongkhahn Phandanouvong was an investor or supervisor in this illegal marijuana cultivation operation and was going to get 50% of the profit from the sales of the illegal marijuana grow.



Google Earth Image of Douglas County Cox Creek Property

12. A week after the Douglas County search warrant, Sergeant Combs drove to the **Subject Property** address and could see an industrial sized dumpster full of debris near the end

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of the driveway. Sergeant Combs arranged a flight with the Oregon National Guard and found both the **Subject Property** and Blok Lane addresses had the growing marijuana plants removed and most of the greenhouse structures were dismantled.

13. In October of 2022, Phandanouvong sold the Blok Lane property for \$450,000.

14. In late June of 2023, Detective Arik Schenfeld was in an Oregon State Police fixed wing aircraft and observed marijuana plants again being planted on the **Subject Property**.

15. The **Subject Property** was checked through OLCC and OMMP and it was not a legally licensed marijuana grow site.

16. In July 2023, LCSO applied for a 30-day drone surveillance warrant and observed the **Subject Property** by drone several times throughout the month of July 2023. Each time surveillance was conducted, what appeared to be additional marijuana plants had been added to the illegal marijuana grow operation.

17. On August 2, 2023, LCSO, Drug Enforcement Administration (DEA), and Springfield Police Department executed search warrants at the **Subject Property** as well as Phandanouvong's residence at 1445 Deal Street Junction City, Oregon. During the warrant service, law enforcement located approximately \$12,000 in U.S. Currency and a firearm at Phandanouvong's residence. Phandanouvong is a convicted felon and not allowed to possess firearms. Law enforcement also located 1,700 growing marijuana plants on the **Subject Property** as well as several hundred roosters and a "Cockfighting Ring". Phandanouvong told Detective Schenfeld that he just rents the property at the **Subject Property** to others, but admitted he travelled to the property almost daily to check on the chickens. Phandanouvong admitted to

raising the chickens to fight and told Detective Schenfeld he hosts cockfights at the **Subject Property** and also travels to other states to participate in cockfights.

18. During the service of the search warrant at the **Subject Property**, ten people were detained. All of the subjects were identified as workers and tended to the illegal marijuana growing operation. Each of them indicated Phandanouvong owned the property and was the supervisor of the marijuana cultivation operation at the **Subject Property**. None of the workers paid any rent and were allowed to stay on the property if they tended to the chickens and the illegal marijuana grow.

19. Worker 1 and Worker 2 admitted to living on the Blok Lane property and the **Subject Property** for the last year and told LCSO Detectives they didn't know there was a seizure in Douglas County last year, but Phandanouvong called them and told them to destroy the marijuana plants and take down the green houses. Worker 1 said they wanted to leave but hadn't been paid in over six months so could not afford to go anywhere else. Worker 4 told Sergeant Combs that Phandanouvong told him (Worker 4) that his job was to live on the **Subject Property** and to tend to the marijuana plants. Worker 4 lived at the **Subject Property** for four to five years growing marijuana. Because the marijuana plants were destroyed last year, Worker 4 has not been paid from last year's harvest.

20. Detective Schenfeld applied for a search warrant for Phandanouvong's cell phone. The warrant was restricted to information, data, video, and photographs for the previous twelve months. In the phone, Detective Schenfeld found countless videos of cockfights, dozens of videos or pictures of the marijuana grow at the **Subject Property**, videos and pictures from other

marijuana grow locations at unknown locations, and pictures of large sums of U.S. currency estimated to be between \$50,000 and \$150,000 dollars.

21. LCSO Detectives arrested and cited and released Phandanouvong for illegal manufacture, distribution of marijuana, felon in possession of a firearm, and cockfighting. The workers located at the **Subject Property** were interviewed, released, and provided information for housing and other social resources.

CONCLUSION

22. The evidence in this declaration provides probable cause to believe, and I do believe that the **Subject Property** was used or intended to be used to facilitate the illegal production, conversion, and distribution of marijuana, in violation of 21 U.S.C. §§ 841, 846, and 856, and is therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(7).

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Executed this 14th day of December 2023.

s/ Sean Cummings
Special Agent
Drug Enforcement Administration